

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**December 18, 2008**



**Planning Variance PV 08-38: Scotty's House of the Brazos Valley**

**CASE DESCRIPTION:** 34.9-foot variance from the required 100-foot lot width required for all lots platted within the Retail (C-2) zoning districts to allow the creation of a lot proposed to be 65.1 feet in width

**LOCATION:** land located immediately south of the Oxford and Kent Streets intersection

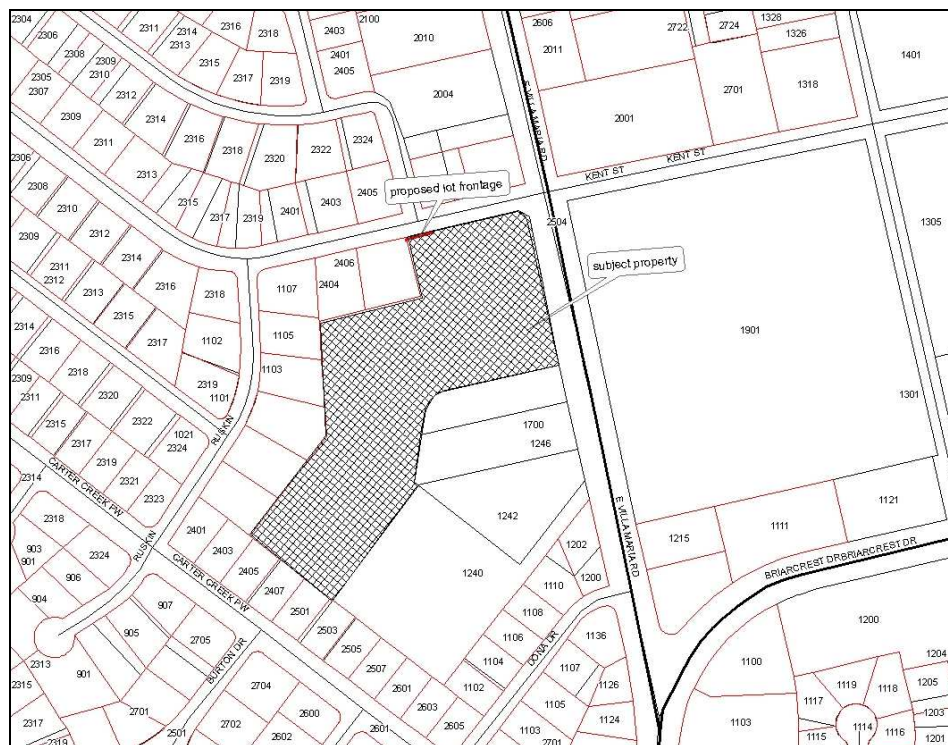
**LEGAL DESCRIPTION:** proposed Lots 1 and 2 in Block 1 of the Scotty's House Addition in Bryan, Brazos County, Texas

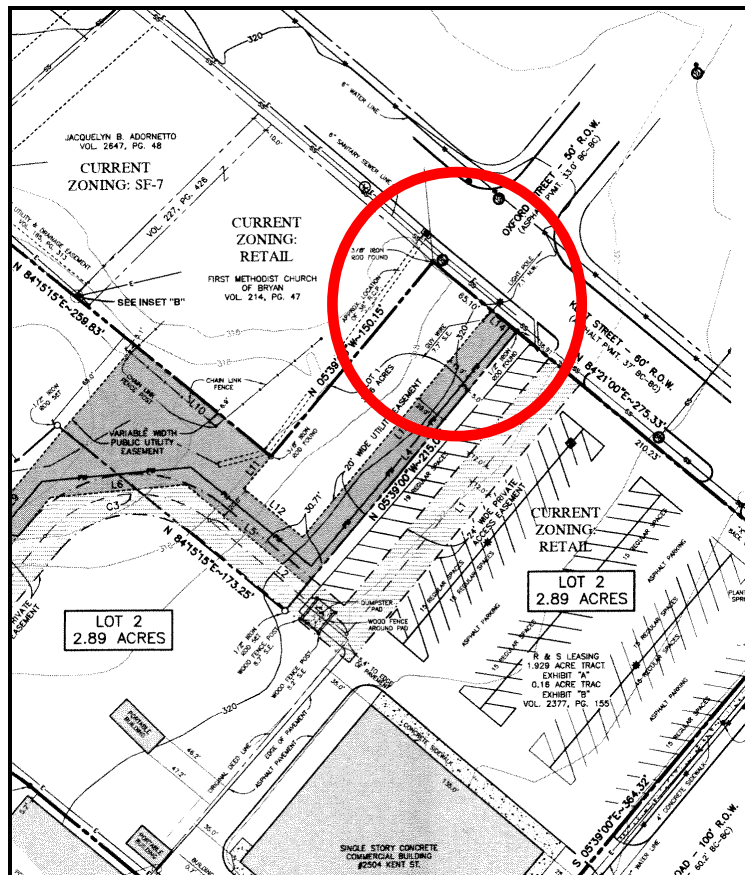
**EXISTING LAND USE:** vacant acreage

**APPLICANT(S):** Gessner Engineering on behalf of Scotty's House of the Brazos Valley

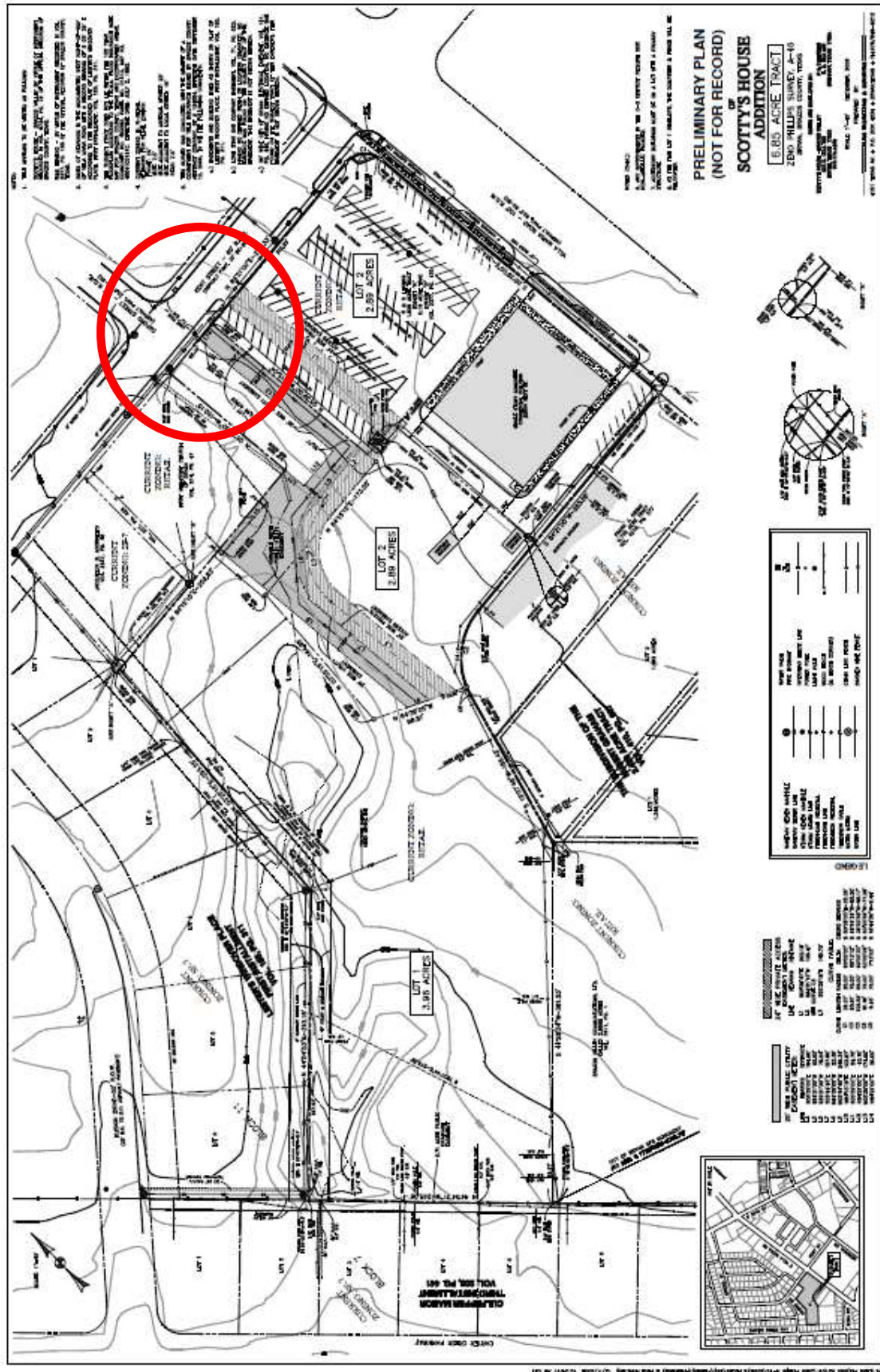
**STAFF CONTACT:** Julie Fulgham, Project Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** the variance, as requested.











**looking at subject property from across Kent Street**



**looking westward, at nearby residential development**



**looking at proposed Lot 2 from across Kent Street**

## **BACKGROUND:**

These 6.85 acres of land have never been formally subdivided are owned by Scotty's House of the Brazos Valley and R&S Leasing. The property owners now wish to formally subdivide this property into two lots.

This acreage is zoned Retail District (C-2). This zoning classification requires lots to be at least 100 feet in width. Proposed Lot 2 is planned to encompass land at the corner of East Villa Maria Road and Kent Street. This property has long been developed with a commercial building and an adjacent parking lot and is owned by R&S Leasing. Proposed Lot 1, which is currently vacant and owned by Scotty's House, is a remnant of land that remained vacant as adjoining land developed over time with residential and commercial uses. This proposed lots only access to a public right-of-way is along Kent Street. However, the lot only has 65.1 feet of frontage (or lot width) rather than the 100 feet required by the zoning district in which it is located within.

Scotty's House is planning on building a new office building on Lot 1. Approval of a subdivision plat is required to obtain site plan and building permit approvals. In order to be able to get approval for the subdivision plat, Scotty's House is requesting a variance from the minimum 100-foot lot width standard.

## **COMPREHENSIVE PLAN:**

The City of Bryan adopted the Comprehensive Plan Update in 2007. The plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this variance request:

### Redevelopment and Infill Policies

- The City of Bryan will encourage and promote compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically.
- The City will encourage flexibility when drafting regulations geared toward infill and redevelopment.

## **ANALYSIS:**

The Planning and Zoning Commission may authorize a variance from minimum lot depth standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;

**Staff contends that a special circumstance affects this land and because of that circumstance, a variance to lot width is appropriate. Surrounding developments created this remnant tract of almost 4 acres in size without the necessary lot frontage required by the Land and Site Development Ordinance. A significant drainage feature exists on this site, causing surrounding land to develop in a matter which left this odd-shaped remnant of**

land with only 65.10 feet of frontage on Kent Street. The particular configuration of the subject property is a special condition that is truly unique to this property and does not apply to other properties in this area. Strict application of the lot width standard, in this particular case, does not allow this tract to be formally represented on a subdivision plat, which is a prerequisite for developing the otherwise developable property. In other words, strict application of the standard would prevent the property owners from being able to develop the property with a new office building.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants;

Approving the requested lot width variance will allow this property to be represented on a subdivision plat. The new lot would exceed the minimum required 20,000 square foot lot width required in this zoning district. In this particular case, staff believes that approving the requested variance will relieve the applicants from a hardship related to the specific topographic features of this site, i.e., its shape and the existing drainage feature, and allow for reasonable development of this property. As mentioned above, strict application of the standard would prevent the property from being developed under the current conditions.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

Staff contends that granting the requested variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area. In fact, staff believes that granting the variance, and thereby allowing this property to be formally represented on a subdivision plat, will be beneficial to other property and public facilities in the area, as proposed drainage easements proposed can help relieve existing drainage concerns in this vicinity would be formally dedicated with the subdivision plat.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ordinance.

Staff contends that approving this variance will not prevent the orderly development of land in this vicinity. Any development would be required to meet applicable City regulations found in Chapter 62, Land and Site Development Ordinance, and applicable building codes. Staff believes that if the variance were granted the spirit of the ordinance will be observed.

#### **RECOMMENDATION:**

Staff recommends **approving** the variance, as requested.